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In re Iacovelli, M. et al.

Reply to Office Action of May 15, 2003

REMARKS/ARGUMENTS

The Examiner is thanked for the Final Official Action dated May 15, 2003. This request for reconsideration is intended to be fully responsive thereto.

Claims 1, 8 and 18 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner noted that the language "...third area having a substantially smooth bottom surface" was never conveyed in the original specification or claims. Applicant respectfully disagrees.

Fig. 8 of the specification clearly shows the recessed bottom 16 of the floor mat defined by the surrounding wall 48 and having the smooth bottom surface. The metal wear plate 44 is fixed upon the smooth bottom surface of the recessed bottom 16 by a plurality of rivets 50. Thus, claims 1, 8 and 18 are in conformance with 35 U.S.C. 112, first paragraph.

However, in order to expedite the prosecution of the present application, claim 18 has been amended to delete the words "substantially smooth", thus rendering this rejection of claim 18 moot.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by Primeau (USP 5,482,759). Applicant respectfully disagrees.

Primeau fails to disclose at least one wear plate fixed upon the bottom surface of the molded mat. In fact, the floor mat of Primeau has a reversible pan portion 24, which is not a wear plate, but

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rather provided to collect fluids or contaminants that adhere to the driver's feet.

Moreover, claim 1 recites that the wear plate is fixed upon the recessed bottom surface of the at least one third area of the molded mat. As we argued in our Amendment of February 26, 2003, the Random House Webster's College Dictionary (1999 Second Random House Edition), defines the word "fixed" as "attached or placed so as to be firm and not readily movable". That explicitly implies that the wear plate of the present invention is a separate element of the floor mat non-removably secured (or fixed) to the third area of the floor mat. Contrary to the present invention, the pan portion 24 of Primeau is a reversible, so that is readily removable from the recessed area 22 of the floor mat, thus not fixed to the floor mat.

Therefore, claim 1 defines the invention over Primeau and is believed to be in condition for allowance.

Claims 1-9, 11-13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Primeau. The applicant respectfully disagrees.

The Examiner alleges that Lu teaches all the limitations of claims 1-9, 11-13 and 15 except for the at least one third area provided within the first area of the mat and adjacent to the texturized surface pattern. As clearly shown in the drawings, the floor mat of Lu is a single-piece molded floor mat having neither toe pad nor heel pad and the parallel rectangular protrusions are integrally formed on the floor mat of Lu. The Examiner further concedes that Primeau discloses a removable portion that can be cleanable out of the car. Thus, the Primeau fails to disclose the wear plate fixed to the molded mat.

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Contrary to Primeau, as was argued above regarding the rejection of claim 1 under 35 USC 102(b), claims 1 and 8 of the present application recite the wear plate that is fixed (or non-removably secured) to the molded mat. Therefore, even if combination and modification of Lu and Primeau suggested by the Examiner could be made, the resulting floor mat still would lack the wear plate that is fixed to the molded mat.

Thus, claims 1-9, 11-13 and 15 define the invention over the prior art of record, and are believed to be in condition for allowance.

Claims 10 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lu and Primeau in view of Wen-Hwang (US 5,215,348). The applicant respectfully disagrees.

Lu and Primeau fail to disclose the vehicle floor mat including the metal wear plate fixed to the molded mat. Wen-Hwang discloses a pedal piece made of plastic material. The Examiner alleges that it would have been obvious to one of ordinary skill in the art to provide a metal plate instead of plastic.

The Examiner's assertion that these references may be modified to achieve the limitations of the present invention would clearly result from **hindsight reconstruction**, which is not permitted. Moreover, MPEP 2143.01 specifically states that the mere fact that references can be combined does not render the resultant combination obvious unless the references suggest the desirability of the combination, citing *In Re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). There is no suggestion to support the Examiner's assertion.

Furthermore, the plastic pedal piece of Wen-Hwang is removably attached to the foot pad

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through several Velcro strips (see column 3, lines 28-30). Thus, Wen-Hwang fails to disclose the vehicle floor mat including the metal plate fixed (non-removably secured) to the molded mat.

Therefore, even if combination and modification of Lu, Primeau and Wen-Hwang suggested by the Examiner could be made, the resulting floor mat still would lack the metal plate that is fixed to the molded mat.

Thus, claims 10 and 14 define the invention over the prior art of record, and are believed to be in condition for allowance.

Claims 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lu, Primeau and Wen-Hwang in view of Bailey. The applicant respectfully disagrees.

The Examiner admits that Wen-Hwang fails to disclose the metal plate fixed to the bottom surface of the at least one third area of the molded mat by the plurality of rivets passing through the floor mat. Then, the Examiner erroneously asserts that Bailey teaches a plurality of rivets passing through the floor mat.

Contrary to the Examiner's allegation, Bailey teaches a removable grill 12 (see column 3, line 17) made of plastic or the textile faced insert 42 (column 4, line 36) and fastened to the floor mat by a pair of locking posts 22a and series of supports 24 and base supported registration supports 28. As clearly disclosed and illustrated by Bailey, the locking posts 22 and the supports 24 and 28 are not rivets as they extend upwardly from base 18, not pass through the floor mat as recited in claims 16-18. Moreover, it is well known to those skilled in the art that parts connected by rivets are non-removably secured (or fixed) to each other. Therefore, as the grill 12 or the textile faced insert

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42 are removable, they cannot be riveted to each other.

Obviously, even if combination and modification of Lu, Primeau, Wen-Hwang and Bailey suggested by the Examiner could be made, the resulting floor mat still would lack the metal plate that is fixed upon the bottom surface of the at least one third area of the molded mat a plurality of rivets passing therethrough. Furthermore, the prior art provides no suggestion or motivation to provide the floor mat of Lu with the metal plate fixed upon the bottom surface of the at least one third area of the molded mat by a plurality of rivets passing therethrough.

Thus, claims 16-18 define the invention over the prior art of record, and are believed to be in condition for allowance.

Claims 1, 8 and 18 have been amended to correct minor informalities.

It is respectfully submitted that claims 1-18 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:
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